

THIRD DAY

(Monday, May 25, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lane
Bradshaw	Martin
Colson	Moffett
Crump	Moore
Dies	Owen
Fly	Parkhouse
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood

Absent—Excused

Baker	Ratliff
Phillips	

A quorum was announced present

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Our Father, we are living monuments of Thy grace. All we are and can ever come to be, is by Thy grace. Teach us now that we are all debtors, not to live after the flesh, but the spirit. For to be carnally minded is death, but to be spiritually minded is life and peace. We pray in Christ's name. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, May 21, 1959, was dispensed with and the Journal was approved.

Leaves of Absence

Senator Phillips was granted leave of absence for today on account of important business on motion of Senator Reagan.

Senator Baker was granted leave of absence for today on account of important business on motion of Senator Krueger.

Senator Ratliff was granted leave of absence for today on account of

important business by Senator Hardeman.

Senate Resolution 17

Senator Willis offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Eighth Grade Class of Bedford School, Bedford, Texas, accompanied by their teachers, Mr. J. E. Waller and Miss Alice Rodgers; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

The resolution was read and was adopted.

Senator Willis by unanimous consent presented the students and their teachers to the Members of the Senate.

Senate Resolution 18

Senator Dies offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Senior Class, Chireno High School, Nacogdoches, Texas, accompanied by their sponsors, Mr. and Mrs. J. C. Thompson and Mrs. Brooksie Kenemen; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that

a copy of this resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

The resolution was read and was adopted.

Senator Dies by unanimous consent presented the students and their sponsors to the Members of the Senate.

Senate Resolution 20

Senator Kazen offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate A. W. "Lonnie" Gates from Laredo, Texas; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Kazen by unanimous consent presented Mr. Gates to the Members of the Senate.

Senate Resolution 21

Senator Martin offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Mr. John P. Cox of Aquilla, Texas, who for the past forty-four years has been an esteemed and beloved teacher and basketball coach in the Aquilla Public Schools, having led numerous teams to honors in State competition; and

Whereas, For some thirty-two years, this dedicated educator has been bringing his students to Austin and the State Capitol to learn first-hand the working of their State Government; and

Whereas, Mr. John P. Cox has made an inspiring contribution to our State by his tireless work to enrich the lives of our youth through academic learning and through his emphasis on the values of fair play and good sportsmanship; and

Whereas, We desire to welcome this distinguished educator to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Martin by unanimous consent presented Mr. Cox to the Members of the Senate.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 25, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 1, Petitioning congress to enact legislation to protect the people of the United States against James Hoffa, et al.

H. B. No. 2, A bill to be entitled "An Act amending Article 7084 of the Revised Civil Statutes of Texas, 1925, as amended, relating to franchise taxes, by adding a new Article 7084a providing for an additional franchise tax for the period beginning September 1, 1959, and ending April 30, 1960, to be paid on or before August 31, 1959; providing for forfeiture of the right to do business of defaulting corporations; providing for collection of the additional tax; authorizing the Secretary of State to make rules and regulations; authorizing the transfer of funds from appropriations to the Governor's Office to the Secretary of State to be used in the administration of the Act; providing for severability; and declaring an emergency."

H. B. No. 5, A bill to be entitled "An Act implementing the provisions of Section 49a of Article III of the Constitution of Texas; stating the information the Comptroller is required to furnish the Legislature and the Governor; providing the procedures for arriving at the financial condition of the State in making certifications required in Section 49a of Article III of the Constitution of Texas; providing the Comptroller shall revise his current estimate in accordance therewith; amending Section 2, Article XX, Chapter 184, Acts of the Forty-seventh Legislature, Regular

Session, 1941, as amended, concerning the allocation of moneys; repealing all laws or parts of laws in conflict herewith; providing the provisions of the Act are not severable; making other provisions relating thereto; and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
 Chief Clerk, House of Representatives

Senate Resolution 22

Senator Martin offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, 10 members of the Senior class of Aquila High School, Charles Baker, David Crow, John Chupik, Richard Stevens, Molly Etter, Joan Cureton, Beth Anderson, Betty Montgomery, Kathy Myers and Bonnie Rogers, accompanied by their teacher and sponsor, Mr. Henry Ball; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of this visit.

The resolution was read and was adopted.

Senator Martin by unanimous consent presented the students, teacher and sponsor to the Members of the Senate.

Committee to Select the Poet Laureate of the State

The President announced the following as a Committee to Select the Poet Laureate of the State of Texas, pursuant to the provisions of S. C. R. No. 6 adopted during the Regular Session of the 56th Legislature:

Senators Reagan and Fly.

Committee to Escort the Ambassador of the Republic of China to Joint Session

The President announced the ap-

pointment of the following as a committee pursuant to the provisions of H. C. R. No. 9 to escort Dr. George Kung-Chao Yeh, Ambassador of the Republic of China, to the Joint Session:

Senators Hudson, Martin, Kazen, Dies and Lane.

Address of Senator Dorsey B. Hardeman

The President recognized Senator Hardeman and he delivered the following address to the Senate:

Mr. President and Members of the Senate:

I seek your indulgence as I attempt a somewhat limited discussion of a recent decision by the United States Supreme Court. I do so because of the potential threat to individual liberties that it portends. It might be styled "The Case of the rat inspector versus the Fourth Amendment of the Bill of Rights."

Recalling the pall of "Black Monday"—May 17, 1954—which enveloped the Southland, when the Supreme Court struck down the long-accepted and established doctrine of "separate but equal" school facilities, announced in Plessy v. Ferguson (Brown v. Bd. of Ed., etc. 347 U.S. 483) I am reminded that almost 5 years later, to the day—May 4, 1959—a darker and more ominous shadow on liberty was cast over the once-proud entire "land of the free and home of the brave" by a bare majority of the Supreme Court by its decision in the case of Frank v. Maryland, 79 S. Ct. Rep. 804. The opinion, Mr. President, is contemptuous of an express mandate of the blood-bought Bill of Rights and nullifies the spirit, as well as the letter, of the Fourth Amendment, designed to secure the people in their persons, houses, papers and effects, against unreasonable searches and seizures.

To cowards and weaklings this may seem startling language, but the portent of this infamous decision can only result in the ultimate destruction of the last vestige of personal freedom and individual liberties. Its callousness—its total disregard and defiance of constitutional principles, is readily apparent. It is only a step to the nullification of other guarantees set out in the Bill of Rights. In

this connection, I quote the words of Mr. Justice Bradley, in *Boyd v. U.S.*, 116 U.S. 616, that "Illegitimate and unconstitutional practices get their first footing . . . by silent approaches and slight deviations from legal modes of procedure. . . . It is the duty of the court to be watchful for the constitutional rights of the citizen and against any stealthy encroachment thereon."

"If the Constitution of this State and that of the United States, which guarantee that one's home is secure against an unreasonable and unlawful search and seizure, are in force and effect and are to be enforced and followed and obeyed by the courts, this conviction cannot and ought not to be permitted to stand, for it was obtained in violation of these constitutional guaranties."

Mr. President, I have just quoted the words of a most able, and above all, courageous and intellectually honest, jurist of this State, namely, Judge Lloyd W. Davidson, in the case of *Phillips v. State*, now on appeal to the Supreme Court of the United States, and may I add, I hope with better luck than met Mr. Frank or Mr. Haley or Mr. Yaunkus. Unfortunately, for our jurisprudence, his words are to be found only in the dissenting opinion in that case—having been overrun by sheer numbers of judges, rather than by law or by logic.

Following this exercise of judicial debauchery, in the *Phillips* case, *supra*, the Supreme Court of the United States, in its effort to substitute "a government of men for a government of laws" and "the justification of social need" for time-honored constitutional guaranties, by its lucubration in the *Frank* case, *supra*, accomplished by force of numbers, prostituted a basic tenet of the English Common Law, on which so vital a part of our own heritage of liberty rests—namely, that "every man's house is his castle." Further, as the elder Pitt, Lord Chatham, said: "The poorest man may in his cottage bid defiance to all the forces of the Crown. It may be frail; its roof may shake; the wind may blow through it; the storm may enter; the rain may enter—but the King of England cannot enter; all his force dares not cross the threshold of the ruined tenement."

But no so, rat inspectors! They have been given more authority than the King of England ever could have

imagined. Antiquated and passe, the unthinking and, particularly the unpatriotic may say, but significant and world-resounding at the time of its pronouncement and its violation cost Charles I his head and George III an empire.

In the case of *Frank v. Maryland*, *supra*, a rat inspector of the Baltimore City Health Department, acting upon a complaint from a resident that there were rats in her basement, began an inspection of houses in the vicinity looking for the source of the rats. The "ratman" knocked on the door of Frank's house but received no response, whereupon he proceeded to inspect the area outside the house which he found in an "extreme state of decay." During the inspection, Mr. Frank appeared and asked the rat inspector to explain his presence. The inspector asked permission to inspect the basement area which was refused. At no time did the inspector of rats have a warrant authorizing entry. On the following morning the rat inspector, accompanied by two police officers, returned to Frank's house and, receiving no response to a knock, proceeded to re-inspect the exterior of the premises. He then swore out a warrant for Frank's arrest—not a search warrant, mind you—alleging a violation of the Baltimore Rat Ordinance.

Frank was arrested and on the following day was found guilty of the offense of refusing admission to his house of a rat inspector and fined \$20.00. (It may not be said, however, that his right to a "speedy trial" was violated.)

The case finally reached the highest tribunal in our land which, as previously indicated, held that "the justification of social need" was sufficient to uphold the authority of a city rat inspector to enter a person's house, without a warrant, and in violation of such one's constitutional right of privacy. It would have been so easy for the rat inspector to have obtained a search warrant and thus saved, for a spell, perhaps, the rape of the Bill of Rights.

The *Frank* decision, according to Mr. Justice Douglas, "greatly dilutes the right of privacy which every home owner had the right to believe was part of our American heritage."

Mr. President, the struggle in England against unreasonable search and seizure of persons and their private

manuscripts and papers began, substantially, with the resistance of Wilkes to the warrants of Lord Halifax. The practice of indiscriminate personal search, through "Writs of Assistance," authorized in 1672, now, apparently, revived in this country, with the approval of the majority of the United States Supreme Court, had become odious in the colonies. James Otis, of Massachusetts, became celebrated, in February 1761, by contesting in court this form of tyranny which may now, seemingly, be engaged in with "fractional" judicial sanction, based on a five to four decision.

To prohibit and preclude the violation of the divine right of the people to be secure in their persons, houses, papers and effects, there was incorporated into the organic law of the United States the inhibition against unreasonable and unlawful search and seizure. "This restriction was intended to operate on legislative bodies so as to render ineffectual any effort to legalize by statute what the people expressly said could in no event be made lawful; upon executives, so that no law violative of the constitutional inhibitions should ever be enforced; and upon the judiciaries so as to render it the duty of the court to denounce, as unlawful any unreasonable search and seizure whether confessedly without any color of authority, or sought to be justified under the guise of legislative sanction." (*Weeks v. U. S.*, 232 U. S. 383.)

And I dispel any idea that from the use of the word "unreasonable" it might be thought that a reasonable search and seizure or one that was not unreasonable, would be allowed without a search warrant. "There is no foundation for such a construction," the Court said in *Youman v. Commonwealth*, 224 S. W. (Ky.) 860.

Bear in mind, Texans, that similar safeguards, or more accurately stated, "thought to be safeguards" were written in the Bill of Rights of Texas and appear as Article 1, Sec. 9 of the Constitution of this State and solemnly observed until some presently politically-inspired judges and officials, yielding to prejudice and popular whim, used in the Phillips case, to wound this great Constitutional guaranty, which goes back so far that legend, itself, is almost lost in the shadow of the centuries.

I concede, Mr. President, that under either the Constitution of this State or of the United States that a warrant is not indispensable to the existence of a valid search and seizure. Searches and seizures forbidden without a warrant are those which are unreasonable. *Hughes v. State*, 149 S. W. 173.

As this Body knows, I have been severely critical of various "assaults, with intent," upon constitutional government, whether from legislative, executive or judicial sources. I have not hesitated to name names and cite instances. And, so long as there is strength in my body, I shall continue to denounce and expose such departures and prostitutions thereof as I think have occurred. To remain silent under such circumstances makes cowards of men and I will have none of it.

I make it clear that I do not criticize the Court, as an institution. I respect and love the institution, as such. To preserve it, in its pristine purity and purpose, is the sole reason and inspiration for this discussion, as well as of similar former discussions by me against the "politically controlled officials (who) have grown powerful through an ever-increasing series of minor infractions of civil liberties." (*Frank v. Maryland*, supra.)

The words of the constitutional provisions to which I have referred were certainly not intended to be meaningless platitudes. Their purpose was to place a salutary restriction on the power of government. No general exploratory search and seizure of either persons' houses, or effects, can ever be justified, whether with or without a warrant. (*U. S. v. Rembert*, 284 Fed. 996.)

The specific cases which I have cited, namely, the Phillips and Frank cases—form the basis of my deep and sincere concern. Similar concern has been expressed in a limited number of conservative papers and periodicals, as well as by a few liberty-loving jurists and lawyers and private citizens. Each case involves different facts, of course, but the end result is the same, to wit, an "inquest" over the ruins of demolished constitutional government to paraphrase Mr. Justice Douglas.

I wonder what has happened to seal the lips of the vociferous "civil liberties" advocates of a few years

ago? (I want it understood that I do not refer to current phoney demagogic liberals for political spending only.) The echoes may still be heard from the Sacco-Vanzetti and the Scottsboro cases, to mention a couple. Is it because the once great liberal, and darling of that group, Mr. Justice Frankfurter, wrote the opinion that has given so much prestige to the office of "Rat Inspector" in the various cities of the land? The opinion has probably elevated the office to new heights of public service and clothed it with authority to violate the law of the land with impunity. Frankly, I cannot conform Judge Frankfurter's auxetic utterances in the Frank case with either his early life or his past judicial philosophy. Such makes the difficulty of understanding his current action all the more vexing.

That I speak with a sense of apprehension and a feeling of sadness, at the deprivation of the guaranty of privacy believed to be embodied in the Bill of Rights, is not to be denied.

To bring the matter pretty close to home, some of the members of the Committee on Jurisprudence will recall the appearance a few weeks ago, of two employees of the Department of Public Safety of Texas—Mr. Temple and Mr. Kavanaugh—urging the passage of a bill authorizing indiscriminate arrests of our citizens, based solely upon the suspicions originating in the minds of officers, all without warrant. Now, of course, there is ample authority for arrests by officers, as well as by private citizens in certain cases, but they were seeking authority above and beyond the present constitutional and statutory powers. These two witnesses were aided and abetted by the Executive Secretary of the Texas Sheriffs' Association in this effort of further encroachment on the people's liberty. (You know, I sometimes wonder if these fellows realize that they may not always be "drest in a little brief authority" and that the shoe might get on the other foot—either to themselves or to some of their folks.)

Some of the members may recall—I am sure the Senator from Angelina—Senator Dies—and the able and helpful chairman of the Committee, Senator Lane, will, that I posed the query to Mr. Kavanaugh to the

effect that "All you want to do by this bill is to get legislative sanction to take more of the people's liberty away without the necessity of observing either constitutional or statutory requirements?" This question, apparently, killed the bill and, incidentally, I do not recall having seen either of these gentlemen around the halls of the Legislature since this abortive effort on their part.

I should remind them, and their chief, of the admonition of the court in *U. S. v. Rembert*, earlier cited, to the effect that "Officers should be very loath to interfere with the rights of citizens and should not arrest on mere suspicion."

"History," Justice Douglas said, in the Frank case, "is that all officers tend to be officious" and "police sometimes seek to place their requirements above the Constitution. The officer's measure of his own need often does not square with the Bill of Rights."

The language of Judge Prettyman in the case of *District of Columbia v. Little*, 178 Fed. 2d 13, 17, affirmed on other grounds, 339 U. S. 1, is appropriate and I quote:

"We emphasize that no matter who the officer, or what his mission, a government official cannot invade a private home unless (1) a magistrate has authorized him to do so or (2) an immediate major crisis in the performance of duty affords neither time nor opportunity to apply to magistrate. This right of privacy is not conditioned upon the objective, the prerogative or the stature of the intruding officer. His uniform, badge, rank and the bureau from which he operates are immaterial. It is immaterial whether he is motivated by the highest public purpose or by the lowest personal spite."

Another truly great liberal, Mr. Justice Brandeis, dissenting, with the concurrence of Mr. Justice Holmes, in *Burdeau v. McDowell*, 256 U. S. 465, said: "At the foundation of our civil liberties lies the principle which denies to government officials an exceptional position before the law, and which subjects them to the same rules of conduct that are commands to the citizen."

In the case of *Agnello v. U. S.*, 269 U. S. 20, it was said that "The search of a private dwelling without

a warrant is, in itself, unreasonable and abhorrent to our laws."

"The right of privacy was deemed too precious to entrust to the discretion of those whose job is the detection of crime and the arrest of criminals. Power is a heady thing; and history shows that police, acting on their own, cannot be trusted." These are not my words, but are the words of the same court (*McDonald v. U.S.*, 335 U.S. 454) which today holds that no search warrant is needed to violate the right of privacy—that a knock on the door by a rat inspector is all that is required and that for failure to open the door the citizen can be punished.

It remains for the majority of the Supreme Court to be tried in the crucible of Time—that Moloch which has devoured so many intellectual miscarriages emanating from disregard of principles.

Are such abortions the result of ignorance or capriciousness? In either event, Liberty, described as "a goddess in her beauty, a Titan in her strength" is wounded, and "Justice: the hope of all who do right and the fear of all who do wrong" is thwarted. Constitutional government lies prostrate at the feet of those chosen and sworn to "preserve, protect and defend the Constitution of the United States."

Since when can the Court disobey and violate the Constitution more than any private citizen of this State and Nation? It gains no immunity from its exalted and sacrosanct eminence. There is no mantle of infallibility to be drawn around its personnel. This view has often been expressed by various members of the judiciary, as well as by other public officials and patriotic laymen.

As Mr. Justice Black, one of the dissenters in the Frank case stated recently in Houston, that "The Supreme Court in Washington has a sacred trust—to save the liberties of the individual."

Surprisingly to me particularly, the majority destructive opinion, violating the right of Mr. Frank, with impunity, was written by Mr. Justice Frankfurter who, apparently, sought "victory through sophistry," thus "damning him to everlasting fame," as having made a mockery of his "sacred trust—to save the liberties of the individual."

Thank you very much.

Remarks of Senator Hardeman Ordered Printed in the Journal

On motion of Senator Dies and by unanimous consent Senator Hardeman was requested to reduce his remarks to writing and that the remarks be printed in the Senate Journal.

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the committees indicated:

H. B. No. 2, To the Committee on State Affairs.

H. B. No. 5, To the Committee on State Affairs.

Motion to Recess

On motion of Senator Hazlewood and by unanimous consent the Senate agreed to stand recessed at the conclusion of the Joint Session until 10:30 o'clock a.m. tomorrow.

Joint Session

To hear an address by Dr. George Kung-Chao Yeh, Ambassador of the Republic of China.)

The President at 11:25 o'clock a.m. announced that pursuant to the provisions of H. C. R. No. 9 previously adopted by the Senate, that the time had arrived for the Joint Session to hear an address by Dr. George Kung-Chao Yeh, Ambassador of the Republic of China.

The Senators present escorted by the Sergeant-at-Arms of the Senate proceeded to the Hall of the House of Representatives at 11:30 o'clock a.m.

The Senators were announced and were admitted and escorted to the seats prepared for them along the aisle.

The President Pro Tempore was invited to occupy a seat on the Speaker's Rostrum.

Dr. Yeh and party were announced by the Doorkeeper of the House.

Dr. Yeh's party, composed of Frank Tao, Press Attache, Raymond Hoo, Consul of China of Houston and Jimmy Chiang of Marshall, Texas, and others, were escorted to the Speaker's Rostrum by Senators Hudson, Kazen, Martin, Dies and Lane on the part of

the Senate and Representatives de la Garza, Russell, James, Tunnell, Winfree, Huffman, Conley and Oliver on the part of the House of Representatives.

The President Pro Tempore called the Senate to order and announced a quorum of the Senate present.

Hon. Waggoner Carr, Speaker of the House of Representatives, called the House to order and announced a quorum of the House present.

The speaker announced the purpose of the Joint Session and presented Senator Hubert Hudson.

Senator Hudson presented the distinguished guests and then presented Ambassador Yeh to the Joint Session.

Dr. Yeh then addressed the Joint Session.

Recess

The President Pro Tempore announced the purpose of the Joint Session concluded and declared the Senate recessed at 12:06 o'clock p.m. until 10:30 o'clock a.m. tomorrow in accordance with a motion previously adopted in the Senate.

In Memory of
The Honorable John Foster Dulles

Senator Hardeman offered the following Resolution:

(Senate Resolution 15)

Whereas, The Senate has learned with regret of the death of Honorable John Foster Dulles; now, therefore, be it

Resolved, By the Senate of Texas, that it express its regret and send its sympathy to the surviving widow and other members of the family of Mr. Dulles, and that copies of this resolution be forwarded under the seal of the Senate to such surviving members of the family of Mr. Dulles.

HARDEMAN

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Baker, Bradshaw, Colson, Crump, Dies, Fly, Fuller, Gonzalez, Hazlewood, Herring, Hudson, Kazen, Krueger, Lane, Martin, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Reagan, Roberts, Rogers, Secrest, Smith, Weinert, Willis, Wood.

The resolution was read.

On motion of Senator Parkhouse and by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution was adopted by a rising vote of the Senate.

In Memory of
Richard Stewart Fuller

Senator Colson offered the following resolution:

(Senate Resolution 16)

Whereas, on May 19, 1959, our Heavenly Father in His infinite wisdom called to his eternal reward, Mr. Richard Stewart Fuller of Tucson, Arizona, brother of our beloved colleague, the Honorable Jep S. Fuller of Port Arthur, Texas; and

Whereas, Mr. Richard Stewart Fuller, a native of East Texas, was born on November 30, 1901, and later served his Country honorably during World War I; and

Whereas, He was an active member of the Masonic Lodge and his funeral was held under the auspices of this organization; and

Whereas, At the time of his death, Mr. Fuller was Project Engineer with the Hughes Aircraft Company; participated in all local civic, educational and religious affairs, and enjoyed a wide circle of friends; and

Whereas, He was a loving father and husband, and leaves a rare heritage of love and service to those who remain to mourn his passing; now, therefore, be it

Resolved, By the Senate of the First Called Session of the 56th Legislature of the State of Texas, that we extend our sincere and heartfelt sympathy to his esteemed family; and that we express appreciation for his valuable services by directing that a page in the Journal be set aside as a memorial to him; and, be it further

Resolved, That official copies of this Resolution be sent to his wife, Mrs. Dorothy Fuller; his daughter, Miss Dianne Fuller; his sons, Richard Stewart, Jr., James and Dale Fuller; his sisters, Mrs. W. W. Huff and Mrs. Rayford Mims of Austin, Texas, and Mrs. Wayman Dunlap of Dallas, Texas; and his brothers, Senator Jep S. Fuller of Port Arthur, Texas, and Mr. Charles H. Fuller of Longview, Texas; and that when the Senate adjourns today, it do so in solemn tribute to Mr. Richard Stewart Fuller.

COLSON

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Baker, Bradshaw, Crump, Dies, Fly, Fuller, Gonzalez, Hardeman, Hazlewood, Herring, Hudson, Kazen, Krueger, Lane, Martin, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Reagan, Roberts, Rogers, Secrest, Smith, Weinert, Willis, Wood.

The resolution was read.

On motion of Senator Parkhouse and by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.

In Memory of
Honorable Joel R. Bond

Senator Parkhouse offered the following resolution:

(Senate Resolution 19)

Whereas, The Honorable Joel R. Bond of Dallas, Texas, died suddenly Thursday morning, May 14, 1959; and

Whereas, He was born in Terrell, Texas, on September 11, 1880, and moved to Dallas in 1933. He was educated in Terrell public schools and the University of Texas; and

Whereas, Judge Bond was admitted to the Bar of Texas and licensed to practice law in 1907; and practiced law in Terrell with his brother, Thos. R. Bond, a former member of the Texas House of Representatives. He was elected mayor of Terrell in 1913, and during his administration the Commission form of city government was adopted and the present Special Charter granted; and

Whereas, in 1914 Judge Bond was appointed district judge of the 86th Judicial District of Texas comprising the counties of Kaufman, Van Zandt and Rockwall, and served until 1933 when he became Associate Justice of the Court of Civil Appeals in Dallas. He later became Chief Justice of the Court, serving until 1952, after which he retired from public life and devoted his time to farming and private affairs; and

Whereas, This distinguished man is survived by his wife, the former Sara Park of Kaufman, Texas, and one son, Lieutenant Colonel Jack P. Bond, U. S. Air Force, Dallas, Texas; one grandson, Joel Barry Bond; two brothers, Thos. R. Bond of Terrell, Texas, and Paul T. Bond, Dallas, Texas; and five sisters, Misses Eva Bond and Mattie Bond, Mrs. Howard A. Crofts of Terrell, Texas, Mrs. Howard T. Bonar of Corpus Christi, Texas, and Mrs. Albert Wilkinson of Dallas, Texas; now, therefore, be it

Resolved, That in tribute to the memory of this outstanding jurist and businessman, the Senate extend to his family their sympathy; their appreciation of his life and service to his country; and, be it further

Resolved, That copies of this Resolution be sent to the surviving members of his family as a token of respect and sympathy.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of
William Weston Aiken

Senator Colson offered the following resolution:

(Senate Concurrent Resolution 2)

Whereas, On May 22, 1959, the illustrious career of Mr. William Weston Aiken of Crockett, Houston County, Texas, was brought to a close by his accidental and untimely death; and

Whereas, Mr. Aiken, who was 87 years of age and the oldest active newspaperman in the State, began his life's vocation in his early teens by working on a weekly owned by his uncle in Henderson, Texas, just 16 miles from Pine Hill where he was born; and

Whereas, He had lived in Crockett since 1897 when he joined the staff of the Crockett Courier which was then owned by the late State Representative W. B. Page; and

Whereas, Two years later, Mr. Aiken bought the paper and was its editor-owner-publisher until it merged with the local rival Democrat on January 1 of this year, at which time he became editor emeritus of the Crockett Courier-Democrat, which position he held at his passing; and

Whereas, This popular gentleman, known to his newspaper associates as "Mr. Newspaperman of East Texas," was a member of the Texas Press Association, Texas Gulf Coast Press Association, North and East Texas Press Association, Dallas Chapter of Sigma Delta Chi, national professional journalism fraternity and other national press groups; and

Whereas, Mr. Aiken, a bachelor, was affectionately called "Uncle Billy" by his many friends and was loved and respected by all who came his way, with no barriers of age, creed, color or station in life; and

Whereas, This public-spirited citizen supported with his time, efforts and paper, all worthwhile movements for the advancement of the spiritual, educational, civic and industrial growth of his community and area for which services he was honored and paid tribute last year by the local Chamber of Commerce; and

Whereas, The State of Texas has suffered an irreparable loss in the passing of this good and noble man who daily expended his wealth of human resources for the common good; now, therefore, be it

Resolved, By the Senate of the First Called Session of the 56th Legislature of the State of Texas, the House of Representatives concurring, that we extend to the bereaved family of this great Texan our sincere and heartfelt sympathy; that we express appreciation for his valuable services by directing that a page of the Journal be set aside as a memorial to him; and, be it further

Resolved, That official copies of this Resolution be sent to his brother, Mr. R. E. Aiken of Abilene, Texas, and his sister, Mrs. M. Y. Goudelock of Dallas, Texas; and that when the Senate adjourns today, it do so in solemn tribute to William Weston Aiken, whose life and deeds will live long in the memory of this State and in the memory of his multitude of friends.

The resolution was read and was adopted by a rising vote of the Senate.